



FREDERICK COUNTY PLANNING COMMISSION

May 12, 2021

TITLE: **Frederick Industrial Lot 3 – Midmost, LLC**

FILE NUMBER: **SP81-28 AP SP260629, A260630,
F260631**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval for the construction of a 34,827 sq. ft. warehouse/office building located on 2.56 acres of the overall 10.49-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Southeast of the intersection of Industry Lane and Grove Road
MAP/PARCEL: Tax Map 77, Parcel 19
COMP. PLAN: GC – General Commercial
ZONING: GC – General Commercial
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Harris, Smariga & Associates
OWNER: MIDMOST, LLC
ENGINEER: Harris, Smariga & Associates
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1 – Site Plan Rendering
Exhibit #2 – Modification Letter
Exhibit #3 – Planned Commercial/Industrial Development Standards
Exhibit #4 – APFO Letter of Understanding

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for the construction of a 34,827 sq. ft. warehouse/office building located on 2.56 acres of the overall 10.49-acre Site. The proposed uses being reviewed are "**Business Office**" and "**Warehouse**" under the heading of **Commercial Business and Personal Services** and **Wholesaling and Processing** per § 1-19-5.310 of the Zoning Ordinance and are permitted uses subject to Site Development Plan approval. The proposed building will provide 31,527 sq. ft. warehouse (91%) and 3,300 sq. ft. (9%) of business office. The Site will also be reviewed per Section 1-19-10.300, Planned Commercial/ Industrial Development.

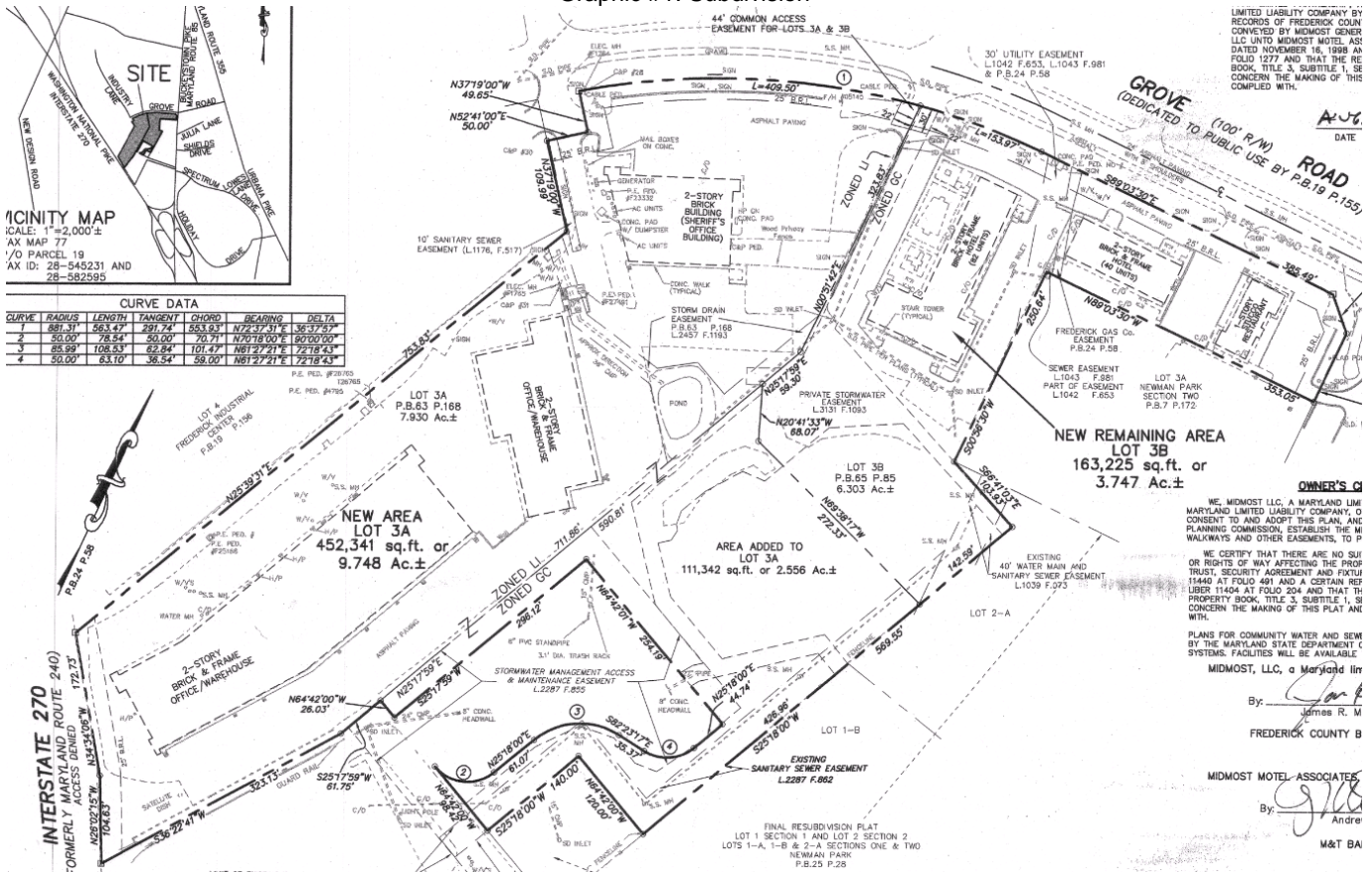
BACKGROUND

Development History

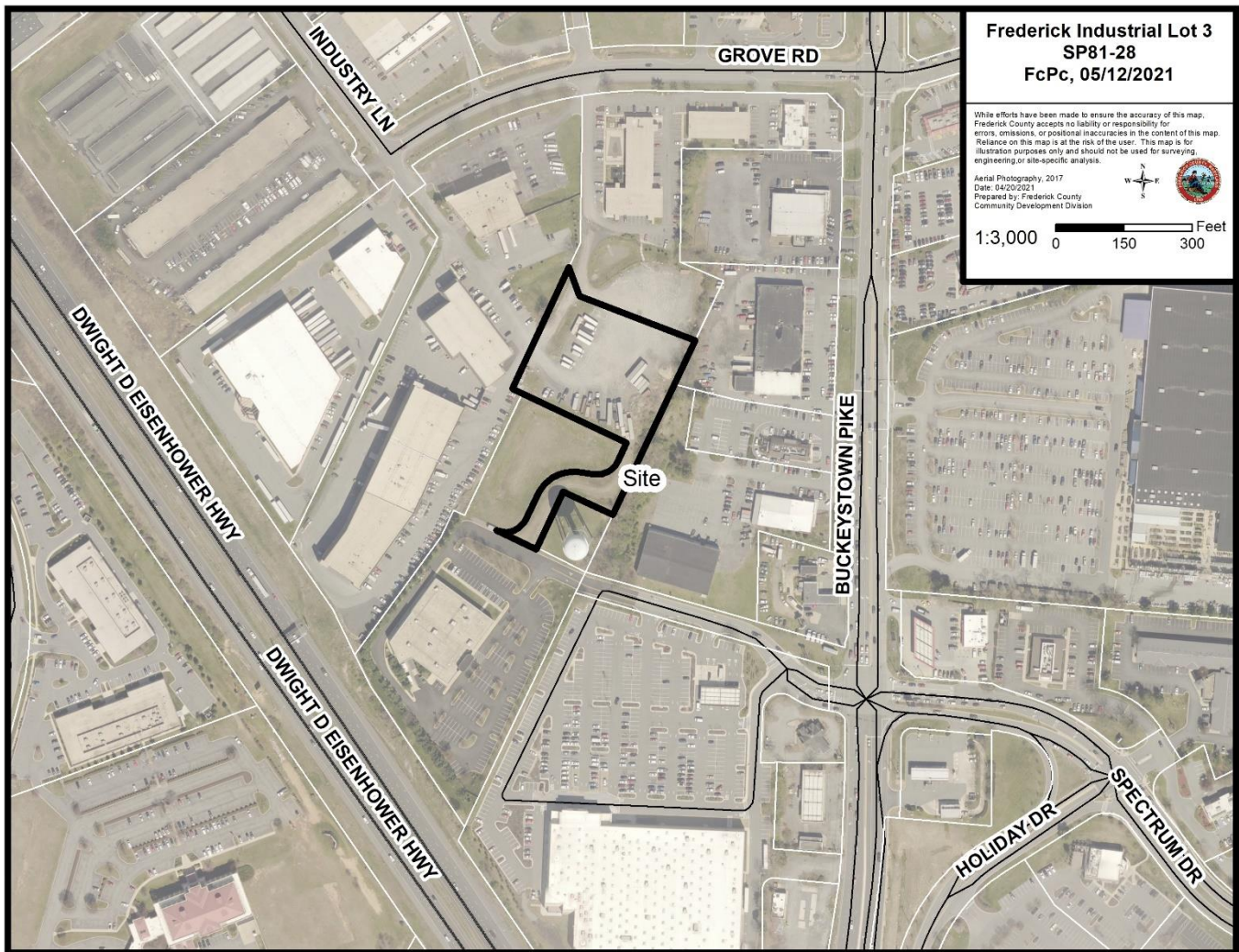
The Site was originally zoned Agricultural in 1959 then rezoned to M1 Light Industrial in 1972. The 1977 zoning maps indicated the property was rezoned to GC, General Commercial.

The project area was part of Lot 3B of the Frederick Industrial Center subdivision. In 2019, the project area was added to and is currently part of Lot 3A of the Frederick Industrial Center subdivision. See Graphic #1 below.

Graphic #1: Subdivision



Graphic #2: Aerial of Project Area

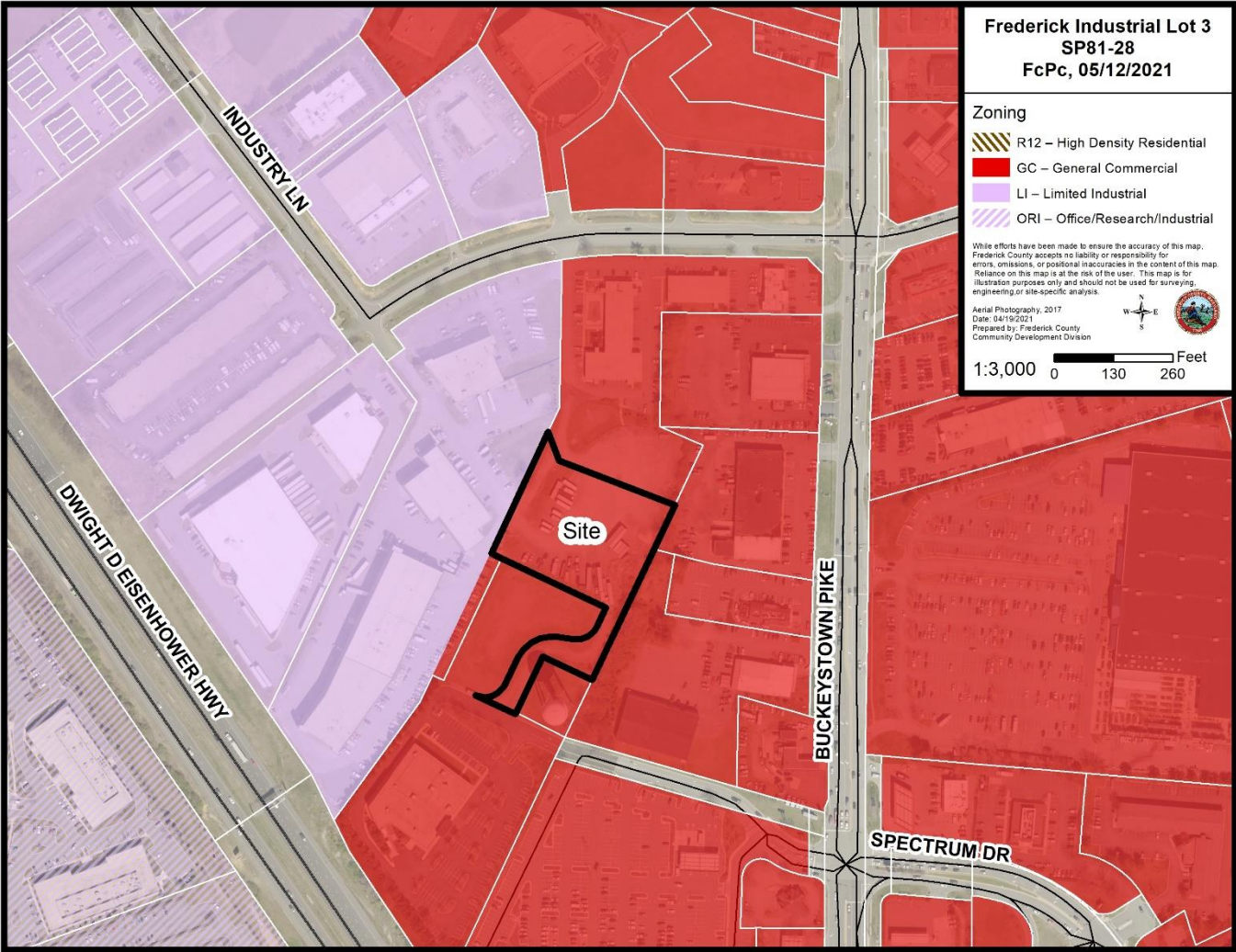


Existing Site Characteristics

The Site is split zoned General Commercial (GC) and Light Industrial (LI). The project area has a County Comprehensive Plan land use designation of General Commercial. The project area is surrounded by office, warehouse, and commercial uses to the west, north, and east. The project area is northwest of an institutional use buffered by a stormwater management pond. See Graphic #3.

The project area is currently vacant of buildings and is utilized for tractor trailer parking.

Graphic #3: Zoning of Project Area



ANALYSIS

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of Chapter 1-19 (Zoning) of the Frederick County Ordinance (the “Ordinance”).

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards § 1-19-6.100 & 1-19-8.480:

The design requirements for warehouse and office uses in the General Commercial district are as follows: Front Yard – 25 ft., Side Yard – 8 ft., Rear Yard – 25 ft. The minimum lot size is 12,000 sq. ft. (456,756 sq. ft. provided and 111,342 sq. ft. in the project area) and the minimum lot width is 100 ft. (610 ft. provided). The maximum height permitted for proposed structures is 60 ft. The proposed building height is approximately 30 ft., as measured by the Ordinance. The proposed development meets all dimensional lot and building height requirements.

2. Signage §1-19-6.320: Building mounted signage is proposed. The signage is calculated from the side of the building where the primary access is located at $(10)(\sqrt{F})$, where $F = 257$ feet. Therefore, the total allowable square footage signage is $(10)(\sqrt{257})$, or 160.02 sq. ft. The Applicant is expecting at least two tenants and does not anticipate over 5 tenants to occupy the building. Therefore, a signage allotment of 133.35 sq. ft. across the entrance was provided for up to 5 tenants. The northwest side of the building has a signage allotment of 26.67 sq. ft. for two of the five tenants. The proposed signage allotments will not exceed the 160.02 sq. ft. and will meet the zoning requirements.

3. Landscaping §1-19-6.400:

- **Street Trees §1-19-6.400(A):** The Ordinance requires 1 street tree per 35 linear feet of road frontage. The frontage of the portion of the property being reviewed is approximately 410 ft., which would require 12 street trees ($410 / 35 = 11.71$) along Grove Road. The frontage along I-270 is approximately 278 ft., which would require 8 street trees ($278 / 35 = 7.94$). There is a mixture of proposed and existing street trees being provided by the Applicant, meeting the 20 street trees requirement.
- **Land Use Buffering and Screening §1-19-6.400(B):** The Ordinance states “All other uses: buffering and screening for all other land uses shall be determined by the Planning Commission.” The Site is surrounded by commercial uses. The proposed development will be mostly screened with proposed landscaping along the property line.
- **Parking Area Buffering and Screening §1-19-6.400(C):** The parking areas are not directly abutting Grove Road or I-270. However, the proposed trees and shrubs help screen the parking spaces from the adjacent property.
- **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy or 2,767 sq. ft. over the parking area with shrubs within the planting area. The Applicant is providing 2,980 sq. ft. or 22% canopy cover.

- **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native species and no invasive/exotic species are specified.

4. **Lighting §1-19-6.500:** There will be 6 building mounted and 2 parking area pole mounted lights around the Site. The proposed fixtures are 14 ft. for both building mounted and pole mounted lights. The fixtures will be cut-off and directed downward. There are many areas where the light spillage exceeds 0.5 foot-candles at the property line adjacent to the parking spaces. The light spillage in this area ranges from 0.6 foot-candles to 4.3 foot-candles. The spillover is on an existing stormwater management facility.

Modification: to allow light spillage to exceed 0.5 foot-candles at the property line at those areas shown on the Lighting Plan.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The project area does not have direct access to any public street. However, the lot is accessed from Industry Lane. There is no driveway access permitted from I-270.

Staff is concerned about the proposed circulation of the loading trucks. The proposed project is part of an overall planned development, and each building's loading truck circulation must be self-contained. The loading truck should not be blocking another building's parking spaces or drive aisles. The truck template provided for the proposed development shows the loading trucks blocking existing parking spaces of other buildings in order to back into four of their large loading spaces. The sole large loading space at the south east end of the building would be considered self-contained.

2. **Connectivity §1-19-6.220(F):** The Site has multiple buildings on the lot. The existing drive aisles will be utilized to provide access to the project area. There will be no further vehicle interconnectivity between adjacent properties. The development will discontinue the existing vehicle access from Grove Road, through the motel property.
3. **Public Transit:** This Site is served by public Transit. The #20 FSK Mall Connector has a stop located at the intersection of Industrial Lane and Grove Road, approximately 500 feet from the project area.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**
The Ordinance requires the warehouse use to provide 1 space per 1,000 of sq. ft. of floor area, therefore 32 spaces are required. The office portion of the building requires 1 space per 300 sq. ft. of floor area, therefore 11 spaces are required. The total amount of parking required by the ordinance for the proposed development is 43 spaces. The Applicant is providing 43 parking spaces.

Loading Spaces:

The warehouse use with 5,000 sq. ft. or greater net floor area requires 1 large and 1 additional large loading space for each 10,000 sq. ft. or part thereof over 5,000 sq. ft., therefore 4 loading

spaces are required. The office use with between 1,000 sq. ft. - 5,000 sq. ft. gross floor area requires 1 small loading space. The minimum amount of loading spaces required for the Site is 4 large and 1 small loading spaces. The Applicant is providing 5 large loading spaces.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There are no sidewalks proposed as part of this development. The Site is predominately Light Industrial where there are no existing sidewalks to connect to. The nearest sidewalks are along Guilford Road north of the Site and along Grove Road (beyond Buckeystown Pike) east of the Site. A sidewalk exists along Ballenger Creek Pike. There will be a concrete walk along the entrance of the building from the parking areas.
6. **Bicycle Parking §1-19-6.220 (H):** The Ordinance requires bicycle parking for commercial uses greater than 5,000 sq. ft. GFA to provide 1 bicycle rack per 40,000 sq. ft. of GFA with a maximum of 10 bicycle racks. The development requires 1 bicycle rack and the Applicant is providing 1 bicycle rack.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

Private Well and Septic: The Site is currently classified W-1 and S-1 in the Water and Sewerage Plan and is served by a public water and sewer system.

Natural features §1-19-3.300.4 (D): *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The existing Site increases in slope from the intersection toward the general project area.
2. **Vegetation:** There are existing trees lined along Grove Road the minimal landscaping within the Site. There is also existing brush on the south eastern portion of the project area.
3. **Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site.
4. **Natural Hazards:** There are not floodplains, wetlands, or wet soils indicated on the Site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** There are no required public common areas associated with this

Frederick Industrial Lot 3

May 12, 2021

Page 7 of 18

development.

2. Ownership: The Site is owned by Midmost LLC.

Other Applicable Regulations

Section 1-19-10.300 Planned Commercial/Industrial Development

This section allows a single lot to be developed with multiple uses in a planned, orderly manner. There are design standards associated with this development method.

The Applicant has provided commentary on how the proposed development is meeting the Planned Commercial/Industrial Development as shown in Exhibit #3. Staff is in agreement with how the proposed development is meeting the standard except for the layout as it pertains to the circulation and location of the truck loading spaces as previously mentioned.

Stormwater Management – Chapter 1-15.2: The stormwater management will be provided by the existing facility located north of the Site.

APFO – Chapter 1-20:

Schools: This development is a non-residential use and not subject to schools testing

Water and Sewer: This Project site is classified as W-1/S-1. While the public sewer facilities are currently adequate to serve the Project, the Developer recognizes that capacity is not guaranteed until purchased.

Road Improvements: The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition was used to analyze site trip generation under warehousing (ITE 150). This Project generates 6 am and 7 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the adjacent street, per Section 1-20-30. In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow accounts, at total of \$7,116, as noted in the attached Letter of Understanding (LOU).

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval will expire on May 12, 2024.

Forest Resource – Chapter 1-21: The property was previously mitigated in 2001 under AP #266 by the transfer of banking credits. The Site of the proposed warehouse/office building contains no forest and no specimen trees (trees 30" or greater in diameter).

Historic Preservation – Chapter 1-23: There are no historic features on the Site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Department	Approved
Development Review Planning:	Approved

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Office of Life Safety</i>	Approved
<i>Development Review Transportation Engineering</i>	Approved
<i>Forest Conservation (FRO)</i>	Approved
<i>Adequate Public Facilities (APFO)</i>	Approved
<i>Street Name Review</i>	Approved
<i>Division of Utilities and Solid Waste Management (DUSWM)</i>	Approved
<i>State Highway</i>	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Frederick Industrial Lot 3 Site Development Plan, except for the concerns regarding truck circulation at the loading spaces. If the Planning Commission conditionally approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (May 12, 2024).

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

Planning Commission approval of the following modification request from the Applicant:

1. To allow light spillage to exceed 0.5 foot-candles at the property line at those areas shown on the Lighting Plan.

PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Plan SP-81-28, AP SP260629 (A260630; F260631) including APFO approval, **with modifications** as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

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April 19th, 2021

Ashley Moore
Department of Development Review
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Frederick Industrial Center Lot 3 - Midmost

Dear Commission Members,

As permitted by the Zoning Ordinance, on behalf of our client, we would like to request the following modification for the Proposed Frederick Industrial Center Lot 3 Site Plan.

A modification to section 1-19-6.500(D) to allow lighting to exceed .50 foot-candles as measured from the property line.

After creating a photometric plan for this site, it was discovered that the proposed lighting exceeds .50 foot-candles along the western property line. However, the photometric does not take into account the proposed plantings along this property line that will act as a buffer to screen the property and would prevent glare onto adjacent properties to the west. In addition, the adjacent use along the western property line is a large SWM Area which sits between this site and any buildings/businesses to the west. It is for these reasons we are requesting a modification. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luke Zeller', is written over a light blue horizontal line.

Luke Zeller
Designer

Exhibit #3 – Planned Commercial/Industrial Development Standards
Planned Commercial/Industrial District Performance Standards
Frederick Industrial Center Lot 3
Midmost
HSA Job No. 2096-00JIM
April 16th, 2021

Below is a summary of how Frederick Industrial Center Lot 3 addresses the criteria set forth in Section 1-19-10.300, Planned Commercial/Industrial Development of the Frederick County Zoning Ordinance. It should be noted that there are three existing buildings on site constructed prior to 1981, these buildings were built well before the current criteria.

The specific criteria with regard to the proposed development is as follows per Section 1-19-10.300:

(C) *Design standards.*

(1) *Layout.*

- (a) In general, the plan shall provide a unified and organized arrangement of buildings, service areas, parking and landscaped open space. Buildings shall be so grouped to provide a safe and efficient arrangement of land use, pedestrian access, infrastructure, and transportation circulation systems reflective of the underlying zoning district, and existing and planned development.

The addition of the Midmost Design to Frederick Industrial Center maintains a unified and organized arrangement of buildings, service areas, parking, and landscaped open space, that a safe and efficient arrangement of land use, access, infrastructure and transportation circulation systems reflective of the zoning district and the existing/planned development.

- (b) Building placement shall consider future subdivision including planned road networks. However, this does not require the project to meet future subdivision requirements.

The proposed building has been placed considering future subdivision and planned road networks. There are no comprehensive planned road networks that impact the proposed building site.

- (2) *Use.* All proposed uses shall be identified on the submitted site plan. The uses proposed within the planned commercial/industrial development shall be in accordance with the existing, underlying zoning. More than 1 principal use or building may be approved on the site.

At this time the specific uses/tenants are not known to our client but our client anticipates a use mix of approximately 10% office and 90% warehouse. Both uses are permitted within the GC Zone subject to Site Plan approval.

(3) *Bulk regulations.*

- (a) *Project area.* A planned commercial/industrial development may only be approved for tracts of land with underlying zoning of GC, ORI, LI, or GI.

Our site is zoned GC-General Commercial with the remainder of Frederick Industrial Center being zoned LI-Limited Industrial.

- (b) Setbacks and height shall be established by the Planning Commission based upon the underlying zoning, the location of the proposed development within the county, consideration of existing and planned development surrounding the proposed development, and applicable county community and corridor plans.

Our site setbacks have been established based on the underlying site zoning and our consistent with the existing and planned development setbacks in the surroundings

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- (4) *Building separation.* Unless buildings are built to a common party wall, they shall be separated by a minimum distance of not less than 10 feet.
Our proposed buildings are separated by approximately 80' to the nearest building onsite, the existing buildings within the Frederick Industrial Center also meet this requirement
- (5) *Minimum off-street parking requirements.* Off-street parking shall be provided and may be modified in accordance with § [1-19-6.220](#).
Off street parking for our Site has been provided
- (6) *Minimum landscaping, screening, lighting, and signage.* Landscaping, screening, lighting, and signage shall be provided in accordance with § [1-19-6.300](#) through § [1-19-6.340](#), § [1-19-6.400](#), and § [1-19-6.500](#).
Our proposed development meets all the requirements set forth for landscaping, screening, lightings and signage
- (7) Planned commercial/industrial development shall comply with applicable supplementary district regulations as provided in § [1-19-7.510](#), § [1-19-7.600](#), § [1-19-7.610](#), and § [1-19-7.620](#) consistent with the underlying zoning.
The following supplementary district regulations apply to our site.

§ 1-19-7.510. GENERAL COMMERCIAL.

The following provisions shall be applicable in the General Commercial District.

- (A) *Access requirements.* One combined entrance/exit is permitted for each 200 feet of frontage. Access to corner lots will be at least 100 feet from intersecting street rights-of-way. Entrances to individual lots on a frontage road will be a minimum of 200 feet apart, except when developing on the circumference at the end of a cul-de-sac, then entrances may be less than 200 feet apart; however, combined entrances with adjoining properties shall be provided to limit the number of access points and give the maximum separation possible.
Access to the new building is via an existing entrance to the Grove Road/Industry Lane Intersection. All existing entrances/exits to Frederick Industrial Center maintain the 200' access separation requirement
- (B) *Vehicle and pedestrian circulation.* A plan for the internal circulation of vehicles and pedestrians will be reviewed and approved by the Department of Planning and Development Review.
Our site has been connected to the existing Frederick Industrial Center circulation network
- (C) *Signs.* Square footage may be increased by 25% if no free-standing or pylon-type signs are used.
The only additional signage proposed is for the new building. Ne new free-standing signage is currently proposed. This project does not propose increasing signage square footage by 25%
- (D) *Storage and operations.* Notwithstanding other provisions of this Code, all operations and the storage of equipment, materials, or products in the GC District shall be conducted within completely enclosed buildings. Storage may be permitted outdoors only when completely screened by a wall, opaque fence, or planting so that such materials will not be visible from a public way or adjoining property. The most appropriate screening for the use shall be determined at site development plan review.
All storage of materials for this site is proposed to be either within the proposed building or within the outdoor storage area which is proposed to be screened by a fence with slats in addition to vegetative screening as shown on the Site Plan.

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- (E) Refuse and recycling dumpsters shall be located away from public access areas and may be required to be screened. The most appropriate screening shall be determined at site development plan review with materials reflecting neighborhood characteristics as approved by the Planning Commission.

The proposed dumpster is located approximately 440' away from the public access at Grove Road and furthermore, is proposed to be screened

(D) Covenants. Agreements to provide for the use and maintenance of all common use areas shall be reviewed and approved by the Planning Commission and recorded by the developer if subdivision occurs.

N/A, No Subdivision proposed.

(E) Subdivision. A site receiving site plan approval may only be subdivided in full compliance with Frederick County subdivision regulations.

This site is not proposed to be subdivided from the larger Frederick Industrial Center Parcel



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING AND PERMITTING
Department of Development Review and Planning

Jan H. Gardner
County Executive

Steve Horn, *Division Director*
Mike Wilkins, *Director*

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Frederick Industrial Center Lot 3A

SP260629, A260630, F260631, File #SP81-28

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and MIDMOST, LLC ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as shown on the proposed Midmost at Frederick Industrial Center Lot 3A site plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 2.56 +/- acre portion of a 10.466 acre parcel of land, which is zoned GC (General Commercial) and located west of MD85 just south of the intersection of Industry Lane and Grove Road. This APFO approval will be effective for the new development of a 34,827 SF warehouse and office use (31,527 SF of warehouse and 3,300 SF of office) as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on May 12, 2021.

Schools: Schools are not impacted because this is a commercial development

Water and Sewer: The site has water and sewer classifications W-1, S-1. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Road Improvements: This Project generates 6 am and 7 pm new weekday peak hour trips and is not subject to APFO testing because it generates less than 51 trips during the peak hour of the

adjacent street, per Section 1-20-30.

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow accounts in the Project area:

1. Escrow Account No. 3287 for capacity improvements at the intersection of MD 85 and MD 355. The estimated cost of the improvement is \$438,500. The Developer's proportionate share of this Road Improvement is 0.64%. Therefore, the Developer hereby agrees to pay \$2,806 to the escrow account for this Road Improvement.
2. Escrow Account No. 3976 for the construction of second northbound left turn lane and westbound receiving lanes at the intersection of MD 85 and Guilford Road. The estimated cost of the improvement is \$549,491. The Developer's proportionate share of this Road Improvement is 0.36%. Therefore, the Developer hereby agrees to pay \$1,979 to the escrow account for this Road Improvement.
3. Escrow Account No. 4292 for pedestrian improvements at intersection of MD 85 and Grove Road. The estimated cost of the improvement is \$121,200. The Developer's proportionate share of this Road Improvement is 0.11%. Therefore, the Developer hereby agrees to pay \$134 to the escrow account for this Road Improvement.
4. Escrow Account No. 4025 for a westbound triple left turn lane and southbound triple through lane at intersection of MD 85 and Spectrum Drive. The estimated cost of the improvement is \$1,830,228. The Developer's proportionate share of this Road Improvement is 0.12%. Therefore, the Developer hereby agrees to pay \$2,197 to the escrow account for this Road Improvement.

Therefore, prior to lot recordation, the Developer hereby agrees to pay \$7,116 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on May 12, 2021.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures Next Page]

DEVELOPER: MIDMOST, LLC

By:  Date: 3/18/21
Applicant

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
Chair or Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)